DOCUMENT RESUME

ED 346 409 CG 024 318

TITLE	Child Abuse: Procedures for Reporting Suspected Child Abuse. Draft Scenarios on Reporting Child Abuse.
INSTITUTION	Northwest Territories Dept. of Education, Yellowknife.
PUB DATE	87
NOTE	15p.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Child Abuse; *Child Welfare; Foreign Countries; *Legal Responsibility
IDENTIFIERS	Canada; *Child Abuse and Neglect Reporting; Reporting Laws

ABSTRACT

Two separate but related publications are included in this packet. The first contains a set of guidelines for reporting suspected child abuse developed by the Northwest Territories Department of Education, and the second describes two hypothetical situations with their implications for action: (1) a teacher suspects that a child is being abused; and (2) a teacher has positive information that a child is being abused. In the first document, definitions of "child" and "abuse" are given as found in the Northwest Territories Child Welfare Act, responsibility to report suspected abuse is discussed, and procedures for informant protection are described. General procedures for reporting suspected child abuse as required by the Child Welfare Act are given, followed by specific guidelines developed by the Department of Education for educational personnel reporting suspected child abuse. Educational personnel are instructed to verbally report the details of the suspected abuse to the local or regional representative of the Department of Social Services; inform the school principal of the report; follow-up the verbal report with a written report to the Superintendent of Child Welfare for the province; and keep all information confidential. Personnel are instructed not to contact the child's family or the suspected perpetrator. The principal is instructed to inform the Regional Superintendent of Education when a staff member has filed a report. Procedures for adult educators also are given. Names, addresses, and telephone numbers for regional offices of the Department of Social Services and for regional superintendents are included. In the case of the second document containing two draft scenarios on reporting child abuse, for each scenario, the situation is briefly described, the problem is identified, and a commentary is included. (NB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED346409

CHILD ABUSE

PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

D. Crane

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

NORTHWEST TERRITORIES
DEPARTMENT OF EDUCATION
1987

CG024318

BEST COPY AVAILABLE

Northwest Territories Minister of Education

Letter from the Minister

The issue of child abuse, a sensitive and serious problem, has given rise to increased concern by both educators and society. In response to this concern, the Department of Education, in conjunction with the Northwest Territories Medical/Legal Committee, has developed the following procedures for employees to follow in cases of suspected child abuse.

The Northwest Territories *Child Welfare Act* requires that **any person** must report the suspected abuse of a child. These procedures are intended to ensure that the Department of Education employees understand their professional and legal obligations and the procedures to follow, should it be necessary for them to file a report.

Inter-agency cooperation is essential in dealing effectively with problems related to child abuse. Before implementing these procedures, the Department of Education has sought the support of other responsible agencies, in an effort to assure its employees that the problem is not theirs alone to deal with.

Dennis Patterson

Dennis G. Patterson,
Minister.

The Northwest Territories Department of Education gratefully acknowledges the assistance of Manitoba Education and the Northwest Territories Medical/Legal Committee in the preparation of these guidelines.

THE NORTHWEST TERRITORIES CHILD WELFARE ACT

The identification, treatment and prevention of child abuse require the close collaboration of Social Service workers, health care workers, law enforcement agencies and educators, and all whose concerns touch upon and affect the lives of children.

In implementing these procedures for reporting suspected child abuse, the Department of Education recognizes that this may impact on those agencies which are involved in the identification and treatment of child abuse.

It has asked those agencies to acknowledge their awareness of these procedures, and to indicate their support.

Bruce McLaughlin
Minister
Department of Health & Social Services
G.N.W.T.

Michael Ballantyne
Minister
Department of Justice and Public Services
G.N.W.T.

Maurice Aked
Regional Director
Medical Services
Health and Welfare Canada

R.H.D. Head
Chief Superintendent
R.C.M.P.

Allan McDonald
President,
N.W.T.T.A.

Geoffrey M. Bickert
Senior Counsel/Regional Director
Yellowknife Regional Office
Justice Canada

Definitions

The following terms are defined in the Northwest Territories Child Welfare Act:

Subsection 2.(b) — as amended by The Young Offenders Act (c.2(1st)1984):
"child" means a person who is or, in the absence of evidence to the contrary, appears to be under eighteen years of age, and includes any person who is under the guardianship of the Superintendent or a society not withstanding that the person has reached the age of eighteen years.

Section 30 — as amended by c.2(1st)1983 - Subsection 30.1.(1):

For the purposes of this section, "abuse" means a condition of

(a) physical harm wherein a child suffers physical injury but does not include reasonable punishment administered by a parent or guardian;

(b) malnutrition or mental ill-health of a degree that if not immediately remedied could seriously impair growth and development or result in permanent injury or death; or

(c) sexual molestation.

1. Responsibility to Report

The Northwest Territories Child Welfare Act, subsection 30.1.(2) states that:

> "Every person who has information of the abandonment, desertion or need of protection of a child or the infliction of abuse upon a child shall forthwith report the information to the Superintendent of Child Welfare."

It further states in subsection 30.1.(3) that:

> "Notwithstanding the provisions of any other Ordinance, every person who has reasonable grounds to suspect in the course of the person's professional or official duties that a child has suffered or is suffering from abuse that may have been caused or permitted by a person who has or has had charge of the child shall forthwith report the suspected abuse to the Superintendent of Child Welfare."

2. Privilege Abolished

The Northwest Territories Child Welfare Act, subsection 30.1.(4) states that:

> "This section applies notwithstanding that the information reported is confidential or privileged."

3. Protection for the Informant

Subsection 30.1.(5) of the Northwest Territories Child Welfare Act provides that:

> "No action for making the report shall be instituted against any person who reports the information to the Superintendent of Child Welfare in accordance with this section unless the giving of the information is done maliciously or without reasonable grounds to suspect that the information is true."

7

PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE AS REQUIRED BY THE CHILD WELFARE ACT

Every person who has information of the abandonment, desertion or need of protection of a child or the infliction of abuse upon a child shall:

REPORT IMMEDIATELY TO THE LOCAL OR REGIONAL REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES.

Note: This person is designated to act for the Superintendent of Child Welfare.

If, in certain cases, it is difficult to contact the local representative of the Department of Social Services, the person reporting shall contact the regional representative of the Department of Social Services.

A list of area and regional Social Workers is attached.

DEPARTMENT OF EDUCATION GUIDELINES FOR EDUCATION PERSONNEL REPORTING SUSPECTED CHILD ABUSE

Any person employed by the Department of Education, a Board of Education, or a Divisional Board of Education in the Northwest Territories who suspects child abuse shall:

1. Immediately report orally the details of the suspected abuse to the local or regional representative of the Department of Social Services.

2. Inform the principal of the school of the report.

3. Follow-up the oral report to the local or regional representative of the Department of Social Services, as soon as possible, with a written report to the Superintendent of Child Welfare in Yellowknife.

4. Upon receiving a report from an employee, the principal shall immediately inform the Regional Superintendent of Education that a report of suspected child abuse has been made.

5. Staff shall *not* contact the child's family or the suspected perpetrator or anyone else to inform or further investigate the circumstances of the suspected abuse. This is the responsibility of the Department of Social Services and the R.C.M.P.

6. Any information, oral or written, about child abuse cases is confidential. All written records or reports must be treated confidentially and should not be placed in the child's record or cumulative file. Information necessary in the conduct of the investigation or subsequent treatment of the child or the offender must be shared with the authorized agencies.

7. The above procedures will also be followed by adult educators with regard to children who are or, in the absence of evidence to the contrary, appear to be under the age of 18 years of age. However, adult educators are not required to inform the principal of the school.

Supt. of Child Welfare
Department of Social Services
Box 1320
Yellowknife, X1A 2L9
(403-873-7709)

DEPARTMENT OF SOCIAL SERVICES

Fort Smith Region

Gerry Fryer
Area Superintendent
Fort Smith
872-7230

Frank Vojacek
Area Supervisor
Box 1540
Hay River, N.W.T. X0E 0R0
874-6831

David Ramsey
Area Superintendent
Fort Simpson
695-2245

Nagire Abernathy
Area Superintendent
Rae Edzo
392-6931

Inuvik Region

Neil Taylor
Area Supervisor
Inuvik
979-7240

Winnie Gruben
Regional Supervisor - North
Inuvik
979-7109

Lois Stephenson
Regional Supervisor - South
Norman Wells
587-2446

Keewatin Region

Ann Raetzen
Regional Supervisor
Rankin Inlet
645-2751

Yellowknife Area Office

Ann Enge
Area Supervisor
Yellowknife
873-7276

Kitikmeot Region

Barbara Beck
Area Supervisor
Cambridge Bay
983-2240

Rosemarie O'Donnell
Area Supervisor
Coppermine
982-4901

Vivian Hunter
Area Supervisor
Spence Bay
561-5466

Baffin Region

Jackie Jordison
Regional Supervisor - North
Iqaluit (Frobisher Bay)
(819) 979-5261

Regional Supervisor - South
Iqaluit (Frobisher Bay)
(819) 979-5261

Regional Supervisor ("Floater")
Frobisher Bay
(819) 979-5261

Jessica Bell
Area Supervisor
Cape Dorset
(819) 897-8937

Area Supervisor
Pangnirtung
(819) 473-8944

Director of Social Services
Municipality of Iqaluit (Frobisher Bay)
Box 460
Iqaluit (Frobisher Bay), N.W.T.
X0A 0H0
(819) 979-5348

Supt. of Child Welfare
Department of Social Services
Box 1320
Yellowknife, X1A 2L9
(403-873-7709)

Regional Superintendents

Fort Smith Region

Tony Gray
Regional Superintendent
Department of Social Services
Government of the N.W.T.
Box 390
Fort Smith, N.W.T. X0E 0P0
(403-872-7232)

Keewatin Region

Robie MacIntosh
Regional Superintendent
Department of Social Services
Government of the N.W.T.
Bag 002
Rankin Inlet, N.W.T. X0C 0G0
(819-645-2747)

Inuvik Region

Paul Donnelly
Regional Superintendent
Department of Social Services
Government of the N.W.T.
Bag -1
Inuvik, N.W.T. X0E 0T0
(403-979-7222)

Kitikmeot Region

Shirley Heslip
Regional Superintendent
Department of Social Services
Government of the N.W.T.
Bag 38
Cambridge Bay, N.W.T. X0A 0C0
(403-983-2135)

Yellowknife Area Office

Ron MacLellan
Area Superintendent
Department of Social Services
Government of the N.W.T.
Box 608
Yellowknife, N.W.T. X1A 2N5
(403-873-7276)

Baffin Region

Valerie Haas
Regional Superintendent
Department of Social Services
Government of the N.W.T.
Bag 1000
Iqaluit (Frobisher Bay), N.W.T.
X0A 0H0
(819-979-5261)

Supt. of Child Welfare
Department of Social Services
Box 1320
Yellowknife, X1A 2L9
(403-873-7709)

DRAFT

SCENARIOS ON REPORTING CHILD ABUSE

Situation # 1

A teacher has noticed that, after one of the children has returned to school following a short absence, the child has a number of bruises. This is not the first time that this has happened. He is also becoming extremely withdrawn. The teacher is beginning to wonder if this might be a case of child abuse.

The Problem

The teacher is not sure if the child is being abused or if there may be another explanation for the child's appearance and behaviour. What should he/she do?

Commentary

Positive Duty To Report — The **Northwest Territories Child Welfare Act,** by subsection 30.1.(2), places a positive duty upon **anyone** having information of the abandonment, desertion or need of protection of a child, or the infliction of abuse upon a child, to forthwith report such information to the Superintendent of Child Welfare. The duty to report exists regardless of the source of the information and notwithstanding any confidentiality or privilege, and people reporting are protected from civil suit, so long as they act reasonably and without malice.

"Child" — means a person who is or, in the absence of evidence to the contrary, appears to be under 18 years of age, and includes any person who is under the guardianship of the Superintendent of Child Welfare or a society, notwithstanding that the person has reached the age of 18 years. (The age was amended from 16 years to 18 years by the **Young Offenders Act** in 1984.)

"Abuse" — is defined in subsection 30.1. of the **Child Welfare Act** and generally includes physical or sexual abuse, neglect, mental ill-health likely to seriously impair growth or development, as well as a number of other identified situations.

Reasonable grounds — The teacher does not feel he/she has reasonable grounds to suspect child abuse and will, therefore, have to take further steps to obtain a more tangible basis for his/her suspicions. He/she can do this by asking open-ended questions of the child e.g. "You appear to be upset. Can you tell me what is upsetting you?"

Responses by the child may indicate to the teacher if he/she needs to take further action. It should be kept in mind, however, that it will always be a matter of decision and judgment. If the teacher has 'reasonable' cause to suspect that the child is being abused, he/she should then report the details immediately to the local or regional representative of the Department of Social Services.

The teacher making the report should follow all the procedures for reporting as outlined in the Department of Education 'Procedures for Reporting Suspected Child Abuse'.

If the responses from the child do not cause the teacher to suspect child abuse, but the teacher is still concerned that the child has a problem, on-going consultation with the principal, Public Health Nurse, local social worker and the family may be established to monitor any child who may be at risk.

Situation # 2

A teacher has information that a child is being abused. He reports the details to the principal. The principal reports the suspected abuse to the Social Worker, but wonders if he should report it to the Public Health Nurse and R.C.M.P. as well.

The Problem

a) Has the teacher fulfilled his/her obligations under the law, by reporting the possible abuse to the principal? Has the principal fulfilled his/her obligations under the law by reporting the possible abuse to the Social Worker?

b) If there is a duty to report the suspected abuse, to whom should the report be made? Principal, Public Health Nurse, Police, Child Welfare Officials?

Commentary

Positive Duty to Report — The **Child Welfare Act**, by subsection 30.1.(2), places a positive duty upon **anyone** having information of the abandonment, desertion or need of protection of a child, or the infliction of abuse upon a child, to forthwith report such information to the Superintendent of Child Welfare. The duty to report exists regardless of the source of the information, whether or not this occurs within the realm of professional duties and notwithstanding any confidentiality or privilege. People reporting are protected from civil suit, so long as they act reasonably and without malice.

"Child" — means a person who is, or in the absence of evidence to the contrary, appears to be under 18 years of age, and includes any person who is under the guardianship of the Superintendent of Child Welfare or a society, notwithstanding that the person has reached the age of 18 years. (The age was amended from 16 years to 18 years by the **Young Offenders Act**).

"Abuse" — is defined in subsection 30.1 of the **Child Welfare Act** and generally includes physical or sexual abuse, neglect, mental ill-health likely to seriously impair growth or development, as well as a number of other identified situations.

Reporting — The primary duty under the law is to report abuse or neglect to the Superintendent of Child Welfare. It is also accepted practice to report to a local or regional representative of the Department of Social Services. Child abuse and neglect constitute offences pursuant to section 35 of the Act. Moreover, particular examples may also constitute criminal offences: — for example, assault, sexual assault, incest, criminal negligence causing death or bodily harm. Since the police have a responsibility to protect the public (including children), it is clear that their aid should be sought, but only in cases of emergency or apprehended danger. If it is less clear that a criminal offence has occurred, the report should be made to the local or regional social worker, who will involve the R.C.M.P., if necessary. The **Child Welfare Act** is quite specific, in that it requires the report to be made to the Superintendent of Child Welfare. The Department of Education procedures require that, after it has been verbally reported to the local or regional Social Services representative, a follow-up written report be sent to the Superintendent of Child Welfare in Yellowknife.

By reporting the suspected abuse only to the principal, the teacher has not fulfilled his/her duty to report, as required by the **Child Welfare Act.** In other words, he/she has not fulfilled his/her legal obligations. He/she is responsible for reporting directly to Social Services as per the **Child Welfare Act** and the Department of Education procedures. If, for some reason, the principal did not report the suspected abuse to the proper authorities, the teacher who suspected the abuse in the first place may be held accountable for violating a provision of the **Child Welfare Act.**

Since the principal is the manager of the school, however, he/she should be informed immediately that a report has been made to the local or regional social worker. The principal should not obstruct the teacher in carrying out his/her legal obligations. The principal is then responsible, under the Department of Education procedures, for informing the Regional Superintendent of Education of the report.

The teacher's duty under the Act is to report to the local or regional representative of Social Services. This may be done verbally. The Department of Education procedures also require him/her to inform the principal of the report, and to follow-up in writing to the Superintendent of Child Welfare, as soon as possible. The teacher is not obligated by law to report to the Public Health Nurse, the R.C.M.P. or any other agency, and so has discharged his responsibility in accordance with the Act and the Department of Education procedures. The Department of Social Services is then responsible for follow-up, investigation and treatment of any suspected abuse and will inform other agencies or people who must be involved.

Information on child abuse cases is strictly confidential and should be shared only with those agencies which are responsible for investigation and treatment.

Northwest Territories Education